APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Craig Ullman et al.	Examiner: Douglas B. Blair
Serial No.: 09/409,305	Group Art Unit: 2442
Filed: September 29, 1999	Docket: 2050.132US1

For: ENHANCED VIDEO PROGRAMMING SYSTEM AND METHOD UTILIZING USER-PROFILE INFORMATION

APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is presented in response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed on April 16, 2009 and further in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on February 11, 2009, from the Final Rejection of claims 149-183 of the above-identified application, as set forth in the Final Office Action mailed on May 21, 2009.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of $540.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejection of the pending claims.

1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, ACTV, INC.

2. RELATED APPEALS AND INTERFERENCES

While an appeal brief was filed with respect to this application on March 8, 2005, the matter was eventually returned to the Examiner by the Board on March 6, 2006 for a variety of reasons (after the Examiner's answer and Reply Brief were filed). Prosecution was resumed with a Request for Continued Examination, filed on August 10, 2006.

There are no other appeals, interferences, or judicial proceedings known to the Appellant that will have a bearing on the Board's decision in the present Appeal.

3. STATUS OF THE CLAIMS

The present application was filed on September 29, 1999 with claims 1-37. On September 28, 2000 a Preliminary Amendment was filed, adding claims 38-148. In a Response to Office Action dated April 16, 2002, claims 142-148 were cancelled. In a Response to Office Action dated September 10, 2003, claims 2-4, 9, 13-15, 17, 18, 20, 23, 29, 30, 35, 36, 39-42, 46, 49-52, 57-72, 78-80, 85-104, 109-111, 113-116, 122-125, 127, 129, 132 and 136-141 were cancelled. In a Response to Office Action dated May 17, 2004, claims 1, 5-8, 10-12, 16, 19, 24-28, 31-34, 37-38, 43-45, 47-48, 53-56, 73-77, 81-84, 105-108, 112, 117-121, 126, 128, 130-131 and 133-135 were cancelled, and claims 149-183 were added. Thus, claims 1-148 were cancelled, and claims 149-183 were pending. In a Final Office Action dated October 31, 2008, claims 149-183 were rejected. Claims 149-183 thus stand finally rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the response filed on August 19, 2008, in reply to the Non-Final Office Action dated May 21, 2008.

5. SUMMARY OF CLAIMED SUBJECT MATTER

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a "concise explanation of the subject matter defined in each of the independent claims involved in the appeal …". Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed to limit the scope of the claims in any way.

INDEPENDENT CLAIM 149 (FIGs. 10-11; Page 4, lines 10-19; Page 18, lines 8-11; and Page 26, line 7 – Page 35, line 16)

Some of the claimed embodiments are related to a method (FIG. 11, method 220) of compiling and maintaining information for use in routing and transmitting content to a machine via a network. The method may comprise receiving user activity information from the machine (FIG. 11, step 244); updating a user profile based on the received user activity information (FIG. 11, steps 248, 250); determining a uniform resource identifier for identifying audio or video content to transmit to the machine based on the received user profile information (FIG. 11, steps 234, 240, 260); inheriting user profile attributes into the user profile from a group of which the user is a member (pg. 28, lines 4-6; and FIG. 10, tables 202, 206, 208); and storing the user profile information in a hierarchical attribute value-pair data structure (FIG. 10, table 210; FIG. 11, steps 230 and 238; and pg. 27, lines 10-11), wherein the audio or video content is selected based on the user profile (pg. 32, lines 20-23) and the audio or video content is used to enhance an audio video program (pg. 18, lines 8-11; and pg. 33, lines 12-23).

INDEPENDENT CLAIM 158 (FIGs. 10-11; Page 4, lines 10-19; Page 18, lines 8-11; and Page 26, line 7 – Page 35, line 16)

Some of the claimed embodiments are related to a method (FIG. 11, method 220) of accessing information for use in routing and transmitting content to a machine via a network. The method may comprise accessing, via a network connection, a user profile comprising at least one hierarchical attribute value-pair data structure stored in a computer-readable medium on a

server (FIG. 11, Step 234); transmitting, to the server, data comprising an identification of the machine and user profile information further comprising user activity information for determining a uniform resource identifier (step 250; and pg. 36, lines 13-14), wherein the data is stored on the server in the at least one hierarchical attribute value-pair data structure (FIG. 10, table 210; FIG. 11, steps 230 and 238; and pg. 27, lines 10-11); and inheriting user profile attributes into the user profile from a group of which the user is a member (pg. 28, lines 4-6; and FIG. 10, tables 202, 206, 208), wherein the content is selected based on the user profile and is used to enhance an audio video program (pg. 18, lines 8-11; pg. 32, lines 20-23; and pg. 33, lines 12-23).

INDEPENDENT CLAIM 164 (FIGs. 1-2, 4-6, 9; Page 9, line 15 – Page 14, line 18; Page 16, line 16 - Page 20, line 12; and Page 23, line 16 – Page 26, line 5)

Some of the claimed embodiments are related to an apparatus that can be used to access information for use in routing and transmitting content to a machine via a network. The apparatus may comprise networking means (FIGs. 1-2, 4-6, 9 showing component parts of computer 16, and/or Internet 20; and/or box 140, and/or server 148, and/or TV 152, and or servers 180; pg. 11, lines 4-20; pg. 12, lines 1-6; pg. 18, line 16 – pg. 20, line 8; pg. 23, line 16 – pg. 24, line 13) for establishing a network connection from a machine; accessing means (FIGs. 1-2, 4-6, 9 showing component parts of computer 16, and/or Internet 20, and/or server 28; and/or box 140, and/or server 148, and/or TV 152, and or servers 180; pg. 11, lines 4-20; pg. 12, lines 1-6; pg. 18, line 16 – pg. 20, line 8; pg. 23, line 16 – pg. 24, line 13) for accessing via the network connection a hierarchical attribute-value pair data structure stored in a computer-readable medium; inheritance means (pg. 28, lines 4-6; and FIG. 10, tables 202, 206, 208) for inheriting user profile attributes into a user profile from a group of which a user is a member; and transmitting means (FIGs. 1-2, 4-6, 9 showing component parts of computer 16, and/or Internet 20, and/or server 28; and/or box 140, and/or server 148, and/or TV 152, and or servers 180; pg. 11, lines 4-20; pg. 12, lines 1-6; pg. 18, line 16 – pg. 20, line 8; pg. 23, line 16 – pg. 24, line 13) for transmitting information via the network connection for specifying in the data structure an identification of the machine, and user-profile information comprising user activity information for determining a uniform resource indicator, wherein the content is selected based on the user

profile and is used to enhance an audio video program (pg. 18, lines 8-11; pg. 32, lines 20-23; and pg. 33, lines 12-23).

INDEPENDENT CLAIM 170 (FIGs. 10-11; Page 4, lines 10-19; Page 18, lines 8-11; and Page 26, line 7 – Page 35, line 16)

Some of the claimed embodiments are related to a method 220 of compiling and maintaining information for use in routing and transmitting content to a machine via a network by specifying particular fields within a computer-readable medium. The method may comprise receiving user activity information for updating a user profile (FIG. 11, step 244); specifying in the medium user profile information for determining a uniform resource identifier for identifying content to transmit to the machine and an identification of the machine (FIG. 11, steps 234, 240, 260); inheriting user profile attributes into the user profile from a group of which the user is a member (FIG. 10, tables 202, 206, 208; and pg. 28, lines 4-6); storing the user profile information in a hierarchical attribute value-pair data structure (FIG. 11, step 238); and selecting content for at least one user (FIG. 11, step 240) based on examination of at least one other user profile, wherein the content is selected based on the user profile and is used to enhance an audio video program (pg. 18, lines 8-11; pg. 28, lines 1-6; pg. 32, lines 20-23; and pg. 33, lines 12-23).

INDEPENDENT CLAIM 175 (FIGs. 1-2, 4-6, 9, 10; Page 9, line 15 – Page 14, line 18; Page 16, line 16 - Page 20, line 12; and Page 23, line 16 – Page 26, line 5)

Some of the claimed embodiments are related to an apparatus that can be used to compile and maintain information for use in routing and transmitting content to a machine via a network by specifying particular fields within a computer-readable medium. The apparatus may comprise a receiver (FIGs. 1-2, 4-6, 9 showing component parts of computer 16, and/or server 28; and/or box 140, and/or server 148, and/or TV 152, and or servers 180) for receiving user activity information for updating a user profile; and a computer-readable medium (FIGs. 1-2, 4-6, 9-10 showing component parts of computer 16, and/or server 28; and/or box 140, and/or server 148, and/or TV 152, and or servers 180; database 78 and/or program 106; table 206) comprising user profile information for determining a uniform resource identifier for identifying content to transmit to the machine and an identification of the machine, wherein the user profile

comprises information in a hierarchical attribute value-pair data structure and further comprises inherited user profile attributes from a group of which the user is a member (pg. 28, lines 4-6; and FIG. 10, tables 202, 206, 208), and wherein the content is selected based on the user profile and is used to enhance an audio video program (pg. 18, lines 8-11; pg. 32, lines 20-23; and pg. 33, lines 12-23).

This summary does not provide an exhaustive or exclusive view of the present subject matter, and the Appellant refers to each of the appended claims and its legal equivalents for a complete statement of the invention.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 149-183 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rangan et al. (U.S. Patent No. 6,006,265; hereinafter "Rangan") in view of Kingdon et al. (U.S. Patent No. 5,784,560; hereinafter "Kingdon").

7. ARGUMENT

A) The Applicable Law for Rejections Under 35 U.S.C. §103

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d (BNA) 1596, 1598 (Fed. Cir. 1988). As discussed in KSR International Co. v. Teleflex Inc. et al. (U.S. 2007), the determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 7, 1336-37 (Fed. Cir. 2005). The legal conclusion, that a claim is obvious within § 103(a), depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17 (1966): (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The *KSR* Court further held that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*See In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41 (2007)).

Therefore, the Examiner must, as one of the inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. (*In re Bond, 910* F.2d 831,834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied,* 1990 U.S. App. LEXIS 19971 (Fed. Cir.1990)). Critical differences in the prior art must be recognized (when attempting to combine references). (*In re Bond,* 910 F.2d 831,834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied,* 1990 U.S. App. LEXIS 19971 (Fed. Cir.1990).)

Moreover, the fact that a reference teaches away from a claimed invention is highly probative that the reference would not have rendered the claimed invention obvious to one of ordinary skill in the art. (*Stranco Inc. v. Atlantes Chemical Systems, Inc.,* 15 USPQ2d 1704, 1713 (Tex. 1990).) When the prior art teaches away from combining certain known elements,

discovery of a successful means of combining them is more likely to be nonobvious. (*Id.* at 4 citing *United States v. Adams,* 383 U.S. 39, 51-51 (1966).)

"If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." (*In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The CCPA has also noted that "[t]he court must be ever alert not to read obviousness into an invention on the basis of the applicant's own statements; that is, we must view the prior art without reading into that art appellant's teachings." *In re Sponnoble,* 160 USPQ 237, 243 (CCPA 1969). These principles have not been changed by the ruling in *KSR.*

B) The combination of Rangan and Kingdon is improper.

Claims 149-183 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rangan in view of Kingdon. However, since a *prima facie* case of obviousness has not been properly established by the Office, and because the proposed combination of reference is improper, the rejection of these claims is respectfully traversed.

The Office asserts that it would be obvious to combine Rangan and Kingdon "because Kingdon provides a specific implementation for the broad concept touched (in the form of neighborhoods) in Rangan. Combining the teachings of inheritance taught by Kingdon with the neighborhood example of Rangan would produce a predictable result." *Id.* However, as has also been noted in the prior response, the predictable result in this case is an inoperative system.

When combining the features of two references provides an inoperative result, and/or the references teach away from such a combination, then there is no proper motivation to combine them. This is precisely what occurs with the combination of Rangan and Kingdon, as proposed by the Office.

Rangan teaches the use of hyperlinks that are interpreted based on previously-expressed user preferences. *See* Rangan, Col. 9, lines 4-10. Examples include advertising spots chosen to reflect facts that are known about the subscriber/user/viewer, including their expressed proclivities. *See* Rangan, Col. 11, lines 4-19. Thus, Rangan teaches a system that relies on the availability of dynamically changing user preference information, as expressed by the user, at the time it is expressed by the user (e.g., "each and every one of hundreds and of thousands of

subscriber/user/viewers upon a digital communications network", perhaps as part of click-through activity). *See* Rangan, Col. 9, lines 22-33.

Kingdon, on the other hand, teaches that security problems arise when attributes associated with an object can be changed by non-trusted parties. *See* Kingdon, Col. 3, lines 23-40. For example, Kingdon presents the situation where attributes for a user and a printer (as objects) are not in synchronization with each other to show that access attempts by the user with respect to the printer, where the rights to such access have not been previously established, are deemed illicit attempts to modify the associated object attributes. *See Id.* at Col. 7, line 48 – Col. 8, line 27. A similar example is specifically used to show that "… someone could, without Company B's consent, tamper with the attributes 37b of the object Boyd 31b and add Printer C C33b as an attribute. As a result, Boyd 31 could access Printer C33 even though Company B did not authorize such access." *See Id.* at Col. 4, lines 10-18. Indeed, the only mechanism described by Kingdon for establishing and modifying attribute values is that of the system administrator. *See Id.* at Col. 8, line 42- Col. 9, line 29. That is, only the system administrator, acting on an *a priori* basis, can set the values of attributes. *See Id.* Ad-hoc manipulation of object attributes by users that have not been specifically authorized is therefore not permitted by Kingdon, since it can open the door to fraudulent access.

Thus, if the strictly regulated use of inheritance, as taught by Kingdon, is added to the dependence on dynamic change taught by Rangan, an inoperative system results. This is because attempts to dynamically incorporate attribute changes within a user profile are illicit, according to Kingdon, and will be denied. *See Id.* at Col. 8, lines 19-21. However, if such modifications are prevented, as taught by Kingdon, the system of Rangan that implements this mechanism will cease to provide different interpretations for a hyperlink based on the "expressed preferences of the SUV [subscribers/users/viewers]". *See* Rangan, Abstract and Col. 9, lines 4-13. This defeats the fundamental purpose of Rangan.

C) The generalized assertions rejecting claims 150-183 under 35 U.S.C. § 103(a) are not properly supported.

The Office makes the generalized allegation with respect to claims 150-183 and the features taught by the references, in the Non-Final Office Action mailed to the Applicant on May 21, 2008, that "As to the rest of the claims, the combination of Rangan and Kingdon teaches these elements". Paper No./Mail Date 20080517, pg. 5. This was followed by the assertion in the Final Office Action, that the "rejections are maintained from the prior office action mailed on 5/21/2008." Paper No./Mail Date 20081028, pg. 2. Thus, the Office has failed to explain where or how the cited references teach or suggest each and every feature of the claimed invention. Neither of these assertions provides "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*See In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41 (2007)). Therefore the Applicant respectfully requests reversal of the rejection of at least claims 150-183 under 35 U.S.C. § 103(a) for this reason.

D) Conclusion.

In conclusion, it is respectfully urged that Rangan teaches away from using a system that prevents user activity from modifying preferences on a dynamic basis (e.g., as disclosed by Kingdon). Moreover, Kingdon teaches away from using a system that allows dynamic user activity to modify the user profile (e.g., as disclosed by Rangan). Thus, one of ordinary skill would not find it obvious to combine these references, as suggested by the Office, because an inoperative system would result. Therefore, no *prima facie* case of obviousness has been established, and it is improper to reject claims 149-183 under 35 U.S.C. § 103(a). In addition, the Office has not rejected each of the claims with any kind of reasoned specificity, as it is required to do. Reconsideration and withdrawal of the rejection of all pending claims under 35 USC § 103 in view of Rangan and Kingdon is respectfully requested.

SUMMARY

For the reasons given above, claims 149-183 have not been properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Rangan in view of Kingdon. It is therefore respectfully submitted that the cited art cited does not render the pending claims obvious, and that the claims are patentable over the cited art. Reversal of the rejection and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of June 2009.

John D. Gustav-Wrathall
Name

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Signature

8. CLAIMS APPENDIX

149. A method for compiling and maintaining information for use in routing and transmitting content to a machine via a network, the method comprising:

receiving user activity information from the machine;

updating a user profile based on the received user activity information;

determining a uniform resource identifier for identifying audio or video content to transmit to the machine based on the received user profile information;

inheriting user profile attributes into the user profile from a group of which the user is a member; and

storing the user profile information in a hierarchical attribute value-pair data structure,

wherein the audio or video content is selected based on the user profile and the audio or video content is used to enhance an audio video program.

150. The method as claimed in claim 149, wherein the content comprises an executable object.

151. The method of claim 149, further comprising: specifying in the data structure information identifying preferences of the user.

152. The method of claim 149, further comprising: dynamically changing the user profile information in the hierarchical structure based upon updated information.

153. The method of claim 149, further comprising: querying the user in order to obtain user profile information.

154. The method of claim 149, further comprising: transmitting content to the machine for a particular service based upon user profile information.

155. The method of claim 149, further comprising: dynamically updating the user profile information.

156. The method of claim 149, further comprising: specifying the user profile information for use in selecting at least one of the following to transmit to the machine: information available via a Uniform Resource Identifier, video content, audio content, multimedia content, a particular video stream, or an executable object.

157. The method of claim 149, further comprising: specifying the address of one or more devices selected from the group consisting of a personal computer, a television, a cable box, a satellite box, video game console and a personal digital assistant.

158. A method of accessing information for use in routing and transmitting content to a machine via a network, the method comprising:

accessing, via a network connection, a user profile comprising at least one hierarchical attribute value-pair data structure stored in a computer-readable medium on a server;

transmitting, to the server, data comprising an identification of the machine and user profile information further comprising user activity information for determining a uniform resource identifier, wherein the data is stored on the server in the at least one hierarchical attribute value-pair data structure; and

inheriting user profile attributes into the user profile from a group of which the user is a member,

wherein the content is selected based on the user profile and is used to enhance an audio video program.

159. The method as claimed in claim 158, wherein the content comprises an executable object.

160. The method of claim 158, further comprising: storing the data structure in a memory associated with the machine.

161. The method of claim 158, further comprising: storing the data structure in a memory associated with a server having the network connection with the machine.

162. The method of claim 158, further comprising: dynamically updating the user profile information.

163. The method of claim 158, further comprising: selecting, based upon the user profile information, at least one of the following for transmission to the machine: information available via a Uniform Resource Identifier, video content, audio content, multimedia content, a particular video stream, or an executable object.

164. An apparatus for accessing information for use in routing and transmitting content to a machine via a network, comprising:

networking means for establishing a network connection from a machine;

accessing means for accessing via the network connection a hierarchical attribute-value pair data structure stored in a computer-readable medium;

inheritance means for inheriting user profile attributes into a user profile from a group of which a user is a member; and

transmitting means for transmitting information via the network connection for specifying in the data structure an identification of the machine, and user-profile information comprising user activity information for determining a uniform resource indicator,

wherein the content is selected based on the user profile and is used to enhance an audio video program.

165. The apparatus of claim 164, further comprising storage means associated with the machine for storing the data structure.

166. The apparatus of claim 164, further comprising storage means associated with a server having the network connection with the machine, the storage means being arranged to store the data structure.

167. The apparatus of claim 164, further comprising means for dynamically updating the user-profile information.

168. The apparatus of claim 164, further comprising means for selecting, based upon the user-profile information, at least one of the following for transmission to the machine: information available via a Uniform Resource Identifier, video content, audio content, multimedia content, a particular video stream, or an executable object.

169. The apparatus of claim 164, wherein the content comprises an executable object.

170. A method for compiling and maintaining information for use in routing and transmitting content to a machine via a network by specifying particular fields within a computer-readable medium, the method comprising:

receiving user activity information for updating a user profile;

specifying in the medium user profile information for determining a uniform resource identifier for identifying content to transmit to the machine and an identification of the machine;

inheriting user profile attributes into the user profile from a group of which the user is a member;

storing the user profile information in a hierarchical attribute value-pair data structure; and

selecting content for at least one user based on examination of at least one other user profile,

wherein the content is selected based on the user profile and is used to enhance an audio video program.

171. The method of claim 170, wherein selecting content for at least one user further comprises selecting content for a group of users.

172. The method of claim 170, wherein selecting content for at least one user further comprises examining profiles of users in one or more groups of which the at least one user is a member.

173. The method of claim 172, wherein examining profiles of users in one or more groups of which the at least one user is a member further comprises examining profiles of one or more subsets of the one or more groups of which the at least one user is a member.

174. The method of claim 170, wherein selecting content for at least one user further comprises examining profiles of users in one or more groups of which the at least one user is a not a member.

175. An apparatus for compiling and maintaining information for use in routing and transmitting content to a machine via a network by specifying particular fields within a computer-readable medium, the apparatus comprising:

a receiver for receiving user activity information for updating a user profile; and

a computer-readable medium comprising user profile information for determining a uniform resource identifier for identifying content to transmit to the machine and an identification of the machine,

wherein the user profile comprises information in a hierarchical attribute value-pair data structure and further comprises inherited user profile attributes from a group of which the user is a member, and

wherein the content is selected based on the user profile and is used to enhance an audio video program.

176. The apparatus of claim 175, wherein the content comprises an executable object.

177. The apparatus of claim 175, wherein the user profile information further comprises information identifying preferences of the user.

178. The apparatus of claim 175, wherein the user profile information is dynamically changed based upon updated information.

179. The apparatus of claim 175, wherein the user profile information is obtained by querying the user.

180. The apparatus of claim 175, wherein the content is transmitted to the machine for a particular service based upon user profile information.

181. The apparatus of claim 175, wherein the user profile information is dynamically updated.

182. The apparatus of claim 175, where the user profile information is used to select at least one of the following to transmit to the machine: information available via a Uniform Resource Identifier, video content, audio content, multimedia content, a particular video stream, or an executable object.

183. The apparatus of claim 175, wherein the machine is selected from the group consisting of a personal computer, a television, a cable box, a satellite box, video game console and a personal digital assistant.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.